



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No.8

MAIL

MAY 09 2002

**DIRECTOR OFFICE
TECHNOLOGY CENTER 2600**

Mr. Michael Pocock
485 Queens Avenue
London, Ontario
CANADA
N6B-1Y3

In re Application of:)
Michael H. Pocock)
Application No.: 09/394,544)
Filed: September 13, 1999)
For: TELEVISION SYSTEM DISTRIBUT-)
ING A DYNAMICALLY VARYING)
NUMBER OF CONCURRENT VIDEO)
PRESENTATIONS OVER A SINGLE)
TELEVISION CHANNEL)

DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Notice to File Missing Parts of Application was mailed on September 30, 1999, setting a two-month shortened statutory period for the apparent failure to file the basic filing fee of \$ 380.00. In the absence of a timely filed response, the application was held abandoned and a Notice of Abandonment was mailed on September 12, 2000.

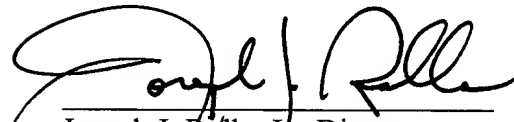
On or about March 28, 2002, the applicant, Mr. Michael Pocock, requested status information about the instant application and was informed that it was abandoned. On March 28, 2002, Mr. Pocock faxed information to the PTO (paper # 4), including the copy of a date-stamped postcard receipt evidencing that the PTO received Mr. Pocock's check for \$ 380.00 at the time of filing. Mr. Pocock then followed up on the problem with a personal visit to the PTO on April 15, 2002, at which time he again provided copies of the paperwork he submitted at the time of filing his application, including a copy of the check (see paper # 5). Mr. Pocock stated that he only recently was informed that his application was abandoned and until being informed of such he was unaware that his check had not been cashed. Mr. Pocock further stated that he has never received the Notice to File Missing Parts of Application and that he has never received the Notice of Abandonment (see paper # 6).

Although no petition or request to withdraw the holding of abandonment in this application has been filed, the Notice of Abandonment is hereby vacated and the holding of

abandonment is hereby withdrawn and the application restored to pending status in view of the fact that the evidence submitted clearly shows that applicant filed a check for \$ 380.00 at the time of filing.

A review of the Notice to File Missing Parts and the Notice of Abandonment reveals that correspondence was mailed to "LONDON N6B 1Y3, CANADA". Since "Ontario" was not printed out, it appears that this may have caused an irregularity in the mailing of the Office communications.

The correspondence address has been corrected in order to facilitate proper mailing of all future correspondence and a copy of the corrected filing receipt is being mailed herewith. The application file is being forwarded to the technology center support staff for processing of the credit card payment form for the \$ 380.00 filing fee filed April 15, 2002 (paper # 5). From there the application will be forwarded to the examiner for examination.



Joseph J. Rolla, Jr., Director
Technology Center 2600
Communications